

On August 31, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cartons of candy at Baton Rouge, La.; alleging that the article had been shipped on or about January 5, 1938, by Fenn Bros., Inc., from Sioux Falls, S. Dak.; and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29685. Misbranding of beef and bone scrap. U. S. v. 31 Bags of Beef and Bone Scrap. Default decree of condemnation and destruction. (F. & D. No. 44180. Sample No. 4864-D.)**

Samples of this product were found to average 45.88 percent of protein, whereas it was labeled as containing 50 percent.

On October 17, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 bags of beef and bone scrap at Lineboro, Md.; alleging that the article had been shipped in interstate commerce on or about September 9, 1938, by the Consolidated By-Product Co. from Philadelphia, Pa.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Consolidated Beef & Bone Scrap \* \* \* Guaranteed Analysis Protein 50%."

The article was alleged to be misbranded in that the statement "Protein 50%" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing less than 50 percent of protein.

On November 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29686. Misbranding of canned peas. U. S. v. 223 Cases of Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43459. Sample No. 32456-D.)**

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was sub-standard.

On or about August 29, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 223 cases of canned peas at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about July 19, 1938, by the Krier Preserving Co. from Belgium, Wis.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunshade Brand Wisconsin Early Variety Peas."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On October 13, 1938, Wurm Bros. Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29687. Adulteration of pine nuts (Indian nuts). U. S. v. 19 Boxes of Pine Nuts (and two other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 43983, 43984, 43985. Sample Nos. 25993-D, 25994-D, 26440-D.)**

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to contain animal excreta, pieces of wood, and stones.

On September 26, 1938, the United States attorneys for the District of New Jersey and the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure

and condemnation of 94 boxes of pine nuts at Jersey City, N. J., and 34 boxes of pine nuts at Duryea, Pa.; alleging that the article had been shipped by Independent Halvah & Candies, Inc., from Brooklyn, N. Y., the former on or about September 7, 1938, and the latter on or about September 13, 1938; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in whole or in part of a filthy vegetable substance.

On November 2 and November 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29688. Adulteration of rice. U. S. v. 360 Bags of Rice. Default decree of condemnation and destruction. (F. & D. No. 43846. Sample No. 38251-D.)**

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 12, 1938, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 bags of rice at Galveston, Tex.; alleging that the article had been shipped on or about August 1, 1938, by the Republic Rice Mill, Inc., from Gueydan, La.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

On November 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29689. Adulteration of apples. U. S. v. 30 Bushels of Apples. Consent decree of condemnation with provision for release for removal of deleterious substances. (F. & D. No. 44347. Sample No. 32198-D.)**

This product was contaminated with lead and arsenic.

On September 28, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bushels of apples at Michigan City, Ind.; alleging that on or about September 21, 1938, William Stellema transported said article from Benton Harbor, Mich., to himself at Michigan City, Ind.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "R. P. Myers, R-2, Benton Harbor, Mich."

Adulteration was alleged in that the article contained added poisonous or deleterious ingredients, namely, arsenic and lead, which might have rendered it harmful to health.

On November 4, 1938, William Stellema, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released on condition that the poisonous and deleterious ingredients be removed under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29690. Adulteration of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44335. Sample No. 32294-D.)**

This product contained less than 80 percent of milk fat.

On October 17, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 6, 1938, by the Beatrice Creamery Co. from Oklahoma City, Okla.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "Butter."

Adulteration was alleged in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.